

ESTTA Tracking number: **ESTTA507683**Filing date: **11/27/2012**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Prosa Productos Naturales, S.A. de C.V.		
Entity	sociedad anonima capital variable	Citizenship	Mexico
Address	Cerrada Sur 57 No. 174 Colonia Transito Mexico, DF 06820 MEXICO		

Attorney information	John M. Murphy Arochi, Marroquin & Lindner, S.C. 5802 Bob Bullock (Loop 20) Building C1-56Y1 Laredo, TX 78041 UNITED STATES jmurphy@aml.com.mx, lsoto@aml.com.mx Phone:011.52.55.5095.2031
----------------------	---

Registration Subject to Cancellation

Registration No	3615913	Registration date	05/05/2009
Registrant	Moshe Inc 906 S. Los Angeles Street Los Angeles, CA 90015 UNITED STATES		

Goods/Services Subject to Cancellation

Class 003. First Use: 2007/11/08 First Use In Commerce: 2007/11/08 All goods and services in the class are cancelled, namely: Colognes, perfumes and cosmetics; Cosmetics in general, including perfumes; Disinfecting perfumed soaps; Eau de perfume; Essential oils as perfume for laundry purposes; Liquid perfumes; Oils for perfumes and scents; Perfume; Perfume oils; Perfume oils for the manufacture of cosmetic preparations; Perfumed creams; Perfumed extracts for tissues and perfumes; Perfumed paste; Perfumed powder; Perfumed powders; Perfumed soap; Perfumed soaps; Perfumed talcum powder; Perfumes; Perfumes and colognes; Perfumes and toilet waters; Perfumes, aftershaves and colognes; Perfumes, eau de colognes and aftershaves; Perfumes, eaux de cologne and aftershaves; Perfuming sachets
--

Grounds for Cancellation

Abandonment	Trademark Act section 14
Other	The mark was not in use for all of the goods identified in the registration at the time the application was filed under Trademark Act section 1(a). Therefore, the identification of goods should be limited to those goods for which the mark was used on the application filing date.

Attachments	PETITION FOR CANCELLATION.pdf (3 pages)(59328 bytes)
-------------	---

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/John M. Murphy/
Name	John M. Murphy
Date	11/27/2012

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Registration No. 3615913: PROSE

PROSA PRODUCTOS NATURALES,)
S.A. DE C.V.,)
)
Petitioner,)
)
v.)
)
MOSHE INC. d/b/a SCENT-STATION,)
)
Registrant.)
_____)

PETITION FOR CANCELLATION

Prosa Productos Naturales, S.A. de C.V., a Mexican *sociedad anónima de capital variable* located at Cerrada Sur 57 No. 174, Colonia Tránsito, 06820 México, Distrito Federal, Mexico, believes it is and will continue to be damaged by Registration No. 3615913 and petitions to cancel the same. The grounds for cancellation are stated below:

1. Petitioner has filed Application Serial No. 85539400 to register the mark PROSA & Design for “bar soap; cosmetics; skin lotion” in Class 3, and “dietary and nutritional supplements; dietary supplemental drinks; topical analgesics” in Class 5.

2. The Class 3 portion of Application Serial No. 85539400 was refused registration by the United States Patent and Trademark Office on the basis of Registration No. 3615913 for the mark PROSE.

3. On information and belief, registrant has ceased use of the mark PROSE for the goods identified in Registration No. 3615913, does not intend to resume use of the mark, and therefore has abandoned the mark.

4. In the alternative, registrant alleges, on information and belief, that registrant has never used the mark PROSE for any of the goods identified in Registration No. 3615913 except "perfume." Because Registration No. 3615913 issued under Section 1(a) of the Trademark Act (15 U.S.C. § 1051), the scope of the registration should have been limited to the specific goods on which registrant was using the mark PROSE when it applied for registration, namely, "perfume." On information and belief, the limitation of the goods identified in Registration No. 3615913 to "perfume" will avoid a finding of likelihood of confusion between registrant's mark PROSE and petitioner's mark PROSA, and enable petitioner to register its mark for the Class 3 goods identified in Application Serial No. 85539400.

5. The maintenance of Registration No. 3615913 injures petitioner because it casts a cloud over petitioner's ability to use the mark PROSA & Design, and has partially barred registration of this mark with the United States Patent and Trademark Office.

Accordingly, the maintenance of Registration No. 3615913 is damaging to petitioner, and petitioner requests that it be cancelled in its entirety. In the alternative, the identification of goods in Registration No. 3615913 should be limited to "perfume." Please address all correspondence to counsel for petitioner at the address indicated below.

AROCHI, MARROQUÍN & LINDNER, S.C.

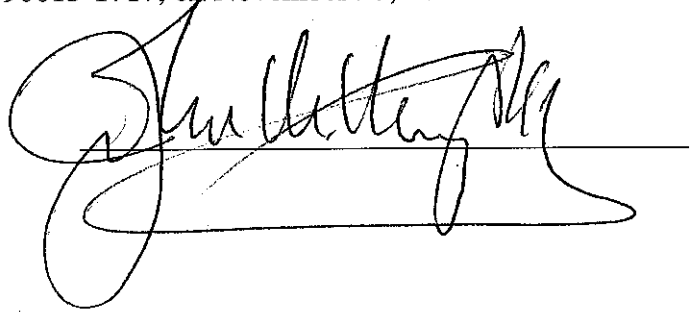
By 

John M. Murphy
5802 Bob Bullock (Loop 20)
Building C1-56YI
Laredo, TX 78041
Tel: 011.52.55.5095.2031
Fax: 011.52.55.5095.2028
E-mail: jmurphy@aml.com.mx

Attorney for Petitioner

CERTIFICATE OF SERVICE

I, John M. Murphy, certify that a copy of the foregoing PETITION FOR CANCELLATION was served by courier on Moshe Inc. d/b/a Scent-Station, 906 South Los Angeles Street, Los Angeles, CA 90015-1717, on November 27, 2012.

A handwritten signature in black ink, appearing to read "John M. Murphy", is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke at the end.